JUDGE DAVID BRIONES

PROB 22
(Rev. 2/88)

TRANSFER OF JURISDICTION

		DOCKET NUMBER *(Tran. Court)* **2:07CR00345-001JP**	
		DOCKET NUMBER *(Rec. Court)*	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE **David Martinez**	DISTRICT NEW MEXICO	DIVISION U.S. Probation Office	
	NAME OF SENTENCING JUDGE **Honorable James A. Parker**		
	DATES OF PROBATION/SUPERVISED RELEASE:	FROM **07/18/2007**	TO **07/17/2009**

FILED
2007 NOV -8 PM 1:50
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

OFFENSE: Possession with Intent to Distribute 50 kilograms and more of Marijuana, in violation of 21 U.S.C. §841(b)(1)(C)

EP07CR2879

PART 1 - ORDER TRANSFERRING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF **NEW MEXICO**

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the **Western District of Texas** on that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*

10/24/07
Date

[signature]
United States District Judge

*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE **WESTERN DISTRICT OF TEXAS**

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

11-5-07
Effective Date

[signature]
United States District Judge

AO 245B (Rev 12/03) Criminal Judgment Sheet 1

UNITED STATES DISTRICT COURT

District of New Mexico

UNITED STATES OF AMERICA
V.
David Martinez

Judgment in a Criminal Case

(For Offenses Committed On or After November 1, 1987)
Case Number: **2:07CR00345-001JP**
USM Number: **36897-051**
Defense Attorney: **Dennis Candelaria**

THE DEFENDANT:

☒ pleaded guilty to count(s) **Information**
☐ pleaded nolo contendere to count(s)
☐ after a plea of not guilty was found guilty on count(s)

The defendant is adjudicated guilty of these offenses:

Title and Section	*Nature of Offense*	*Offense Ended*	*Count Number(s)*
21 U.S.C. Sec. 841(b)(1)(C)	Possession with Intent to Distribute 50 kilograms and more of Marijuana	12/05/2006	

The defendant is sentenced as specified in pages 2 through 5 of this judgment. The sentence is imposed under the Sentencing Reform Act of 1984. The Court has considered the United States Sentencing Guidelines and, in arriving at the sentence for this Defendant, has taken account of the Guidelines and their sentencing goals. Specifically, the Court has considered the sentencing range determined by application of the Guidelines and believes that the sentence imposed fully reflects both the Guidelines and each of the factors embodied in 18 U.S.C. § 3553(a). The Court also believes the sentence is reasonable and provides just punishment for the offense .

☐ The defendant has been found not guilty on count .
☐ Count dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

County of Residence

7/17/07
Date of Imposition of Judgment

/s/ James A. Parker
Signature of Judge

Honorable James A. Parker
Senior United States District Judge
Name and Title of Judge

7/25/07
Date Signed

Defendant: **David Martinez**
Case Number: **2:07CR00345-001JP**

IMPRISONMENT

The defendant is committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **201 days or time served, whichever is less** .

☐ The court makes these recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.
☐ The defendant must surrender to the United States Marshal for this district:
- ☐ at on
- ☐ as notified by the United States Marshal.

☐ The defendant must surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on
- ☐ as notified by the United States Marshal
- ☐ as notified by the Probation or Pretrial Service Office.

RETURN

I have executed this judgment by:

Defendant delivered on ______________________________ to ______________________ at ______________________ with a Certified copy of this judgment.

____
UNITED STATES MARSHAL

____
Deputy United States Marshal

Defendant: David Martinez
Case Number: 2:07CR00345-001JP

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **2 years** .

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons. The defendant shall not commit another federal, state, or local crime. The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the courts determination that the defendant possesses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any dangerous weapon. (Check, if applicable).
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.
The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4) the defendant shall support his or her dependents and meet other family responsibilities;
5) the defendant shall obtain and maintain full time, legitimate employment, or attend a vocational or academic training program throughout the term of supervised release as directed by the probation officer;
6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement;

Defendant: David Martinez
Case Number: 2:07CR00345-001JP

SPECIAL CONDITIONS OF SUPERVISION

The defendant must participate in and successfully complete home confinement for a period of 5 months under the electronic monitoring program. The defendant may be required to pay a portion or all costs of such program.

The defendant must participate in and successfully complete a substance abuse treatment program which may include drug testing, outpatient counseling, or residential placement. The defendant may be required to pay a portion of the cost of treatment and/or drug testing as determined by the Probation Office.

The defendant must refrain from the use and possession of alcohol and other forms of intoxicants.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

FEB 22 2007

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MARTINEZ,

Defendant.

CRIMINAL NO. 07-345 JP

21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C): Possession with intent to distribute 50 kilograms and more of marijuana; and 18 U.S.C. § 2: Aiding and abetting

INFORMATION

The United States Attorney charges:

On or about the 5th day of December, 2006, in Otero County, in the State and District of New Mexico, the Defendant, **DAVID MARTINEZ**, did unlawfully, knowingly and intentionally possess with intent to distribute 50 kilograms and more of marijuana, a Schedule I controlled substance, and 18 U.S.C. § 2, that being aiding and abetting.

In violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 18 U.S.C. § 2.

DAVID C. IGLESIAS
United States Attorney

for Alfred J. Perez

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

FEB 22 2007

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cr. No. 07- 345 JP

DAVID MARTINEZ,

Defendant.

CONSENT TO PROCEED BEFORE UNITED STATES MAGISTRATE JUDGE IN A FELONY CASE

The United States Magistrate Judge has explained to me the nature of the offense(s) with which I am charged and the maximum possible penalties which might be imposed if I plead guilty. I have been informed of my right to the assistance of legal counsel and of my right to plead or go to trial, judgment and sentencing before a United States District Judge.

I HEREBY: Waive (give up) my right to enter my plea before a United States District Judge and I consent to entering my plea, knowingly and voluntarily, before The Honorable Lourdes A. Martinez, United States Magistrate Judge.

X ______________________
Defendant

____
Attorney for Defendant

Date: FEBRUARY 22, 2007

Before: ______________________
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

FEB 22 2007

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MARTINEZ,

Defendant.

CRIMINAL NO. 07-345 JP

WAIVER OF INDICTMENT

DAVID MARTINEZ, the above named defendant, who is accused of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C): Possession with intent to distribute 50 kilograms and more of marijuana, and 18 U.S.C. § 2: Aiding and abetting, being advised of the nature of the charge and of the defendant's rights, hereby waives in open court prosecution by indictment and consents that the proceeding may be by information instead of by indictment.

DAVID MARTINEZ
Defendant

DENNIS CANDELARIA
Attorney for Defendant

Date: 2/22/07